

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

TRUSTEES OF THE PAVERS AND ROAD  
BUILDERS DISTRICT COUNCIL WELFARE,  
PENSION, ANNUITY, AND  
APPRENTICESHIP, SKILL IMPROVEMENT  
AND SAFETY FUNDS,

Plaintiffs,

— against —

SHELBOURNE CONSTRUCTION CORP.,

Defendant.

**19-CV-2312 (ARR)(PK)**

**Opinion & Order**

**Not for electronic or print  
publication**

ROSS, United States District Judge:

This Court has received the Report and Recommendation on the instant case dated March 5, 2020 from the Honorable Peggy Kuo, United States Magistrate Judge, granting plaintiffs’ Motion for Default Judgment. Report and Recommendations (“R&R”), ECF No. 22. The deadline for filing objections has passed, and no objections to Judge Kuo’s findings have been filed.

The Court reviews “de novo any part of the magistrate judge’s disposition that has been properly objected to.” Fed. R. Civ. P. 72(b); *see also* *Brissett v. Manhattan & Bronx Surface Transit Operating Auth.*, No. 09-CV-874 (CBA)(LB), 2011 WL 1930682, at \*1 (E.D.N.Y. May 19, 2011). Where no timely objections have been filed, “the district court need only satisfy itself that there is no clear error on the face of the record.” *Finley v. Trans Union, Experian, Equifax*, No. 17-CV-0371 (LDH)(LB), 2017 WL 4838764, at \*1 (E.D.N.Y. Oct. 24, 2017) (quoting *Estate of Ellington ex rel. Ellington v. Harbrew Imports Ltd.*, 812 F. Supp. 2d 186, 189 (E.D.N.Y. 2011)). Having reviewed the record, I find no clear error. I therefore adopt the Report and Recommendation, in its entirety, as the opinion of the Court pursuant to 28 U.S.C. § 636(b)(1).

Accordingly, default judgment is entered against Shelbourne Construction Corp. with respect to liability. Plaintiffs are awarded damages in the amount of:

- (1) Unpaid contributions and union assessments, consisting of **\$131,913.40**;
- (2) Interest on unpaid contributions excluding union assessments in the amount of **\$20,037.78**, plus **\$5.49 per day from February 11, 2020 through the date of judgment**;
- (3) Late-payment interest of **\$437.79**;
- (4) Liquidated damages in the amount of **\$12,466.20**;
- (5) Attorneys' fees of **\$5,885**;
- (6) Costs of **\$552.83**; and
- (7) Post-judgment interest, to be calculated from the date the Clerk of Court enters judgment in this action until the date of payment, at the rate set forth in 28 U.S.C. § 1961.

SO ORDERED.

\_\_\_\_\_/s/\_\_\_\_\_  
Allyne R. Ross  
United States District Judge

Dated: April 3, 2020  
Brooklyn, New York